

**City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
January 4, 2011**

1. CALL TO ORDER - ROLL CALL

Mayor Bob Miller called the meeting to order at 7:15 p.m. starting with roll call. Aldermen present: Bob Prailes, Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Jeff Fischer, Katie Simenson

High school students present: David Martin Excused: Lauren Nadolski

Also present: City Administrator Kevin Lahner, City Attorney John Bjelajac, Police Chief Peter Nimmer, Treasurer Steve DeQuaker, Public Works Director Connie Wilson, Library Director Gayle Falk, Building Inspector Patrick Scherrer, Fire Chief Dick Lodle, Department of Public Works Supervisor Dick Pieters and Tom Foht of Kapur Engineer

2. PLEDGE OF ALLEGIANCE

Mayor Miller led the council, staff and audience in the Pledge of Allegiance.

3. CITIZEN'S COMMENTS

Mr. Greg Lemeux owner of Chocolate Expressions, 256 East Chestnut Street asked if the council would please get the parking structure opened as soon as possible as his business has been greatly affected during the last seven months of construction. Lahner explained that there were minor outstanding issues and it should open within the next couple of weeks. Lahner also announced that the opening of the parking structure was not tied to the opening of the hotel.

The mayor commented that the parking structure will not be metered or restricted.

4. CHAMBER OF COMMERCE REPORT

Chamber of Commerce Representative Jerry Koch thanked the city for their assistance during the Christmas Parade, getting the decorations up and the moving of Santa's Chalet into Wehmhoff Park. He invited the mayor and council to the January 20th annual dinner auction to be held at Veteran's Terrace and to the home show on March 26th at Burlington High School.

5. DECEMBER 21, 2010 COMMON COUNCIL MINUTES

A motion was made by Johnson with a second by Simenson to approve the Common Council Minutes of December 21, 2010. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

None

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Simenson reported on the Dodge Street parking lot across from McDonalds. She said that one of the exits is very steep and cars bottom out on exiting. She said it was similar to the Walgreen's situation and asked when it would be remedied. Foht replied that he has a call into the inspecting engineering company but he believes the exit was put in as designed.

Vos questioned if that was a state project. Foht replied that it was a state designed project. Vos then asked if there is no response from the inspecting engineers, then whose problem is it. Vos said the city dragged their feet on the Walgreen's issue and didn't want to see it happen again. Lahner said he is hopeful the state will be cooperative and get it redone but if not, the city will have to take care of the exit.

Johnson commented that he was contacted by a couple of citizens who complained that they were not able to pay their property taxes at city hall on the 30th and 31st of December as city hall was closed both days. Lahner explained that because of union contracts and the way the holiday fell on the weekend, New Years Eve and New Years Day had to be backed up to Thursday and Friday. He further stated that the public had been noticed in the flyer that was provided with the tax bill that the banks were another payment option. Another option that had been offered was to have the checks marked as a December payment on the first Monday of January.

Bob Prailes again brought up the subject of the Pine and Robert Street stoplights as he had done at the three previous meetings and again questioned when they were going to be adjusted. Foht stated that he would put pressure on TAPCO to take a look at the lights.

8. REPORTS 1-2

A motion was made by Hintz with a second by Johnson to approve Reports 1-2. With all in favor, the motion carried.

9. PAYMENT OF VOUCHERS

A motion was made by Jim Prailes with a second by Hintz to approve pre-pays, vouchers and reimbursements in the amount of \$1,124,704.03 Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 8-0.

10. LICENSES AND PERMITS

A motion was made by Vos with a second by Jim Prailes to approve the licenses as presented. With all in favor, the motion carried.

11. APPOINTMENTS AND NOMINATIONS

A motion was made by Rauch with a second by Vos to appoint Mr. Peter De Rosier to the Historic Preservation Committee. With all in favor, the motion carried.

12. PUBLIC HEARING

None

13. RESOLUTIONS

A. RESOLUTION 4451(35) "A RESOLUTION TO APPROVE AN ENGAGEMENT LETTER WITH PATRICK ROMENESKO FOR THE 2010 AUDIT IN THE AMOUNT OF \$30,500."

A motion to approve was made by Simenson with a second by Vos. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 8-0

B. RESOLUTION 4452(36) "A RESOLUTION TO APPROVE A CERTIFIED SURVEY MAP FOR THE CITY OF BURLINGTON FOR PROPERTY LOCATED AT 824 MILWAUKEE AVENUE."

A motion to approve was made by Fischer with a second by Bob Prailes. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Fischer Nays: Rauch, Simenson. Motion carried 6-2

C. RESOLUTION 4453(37) "A RESOLUTION TO APPROVE TASK ORDER NUMBER SEVENTY-SEVEN WITH KAPUR AND ASSOCIATES FOR ENGINEERING SERVICES WITH THE MUNICIPAL LANDFILL FOR 2011-2012 IN THE AMOUNT OF \$48,985."

A motion to approve was made by Bob Prailes with a second by Hintz. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 8-0

D. RESOLUTION 4454(38) "A RESOLUTION TO APPROVE A TWO-YEAR AGREEMENT WITH AURORA HEALTH CARE FOR THE PUBLIC HEALTH SERVICES."

A motion to approve was made by Johnson with a second by Bob Prailes. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 8-0

E. RESOLUTION 4458(42) “A RESOLUTION TO PROVIDE FOR THE SALARIES OF ELECTED OFFICIALS, APPOINTED OFFICIALS AND NON-REPRESENTED EMPLOYEES OF THE CITY OF BURLINGTON.”

A motion to approve was made by Hintz with a second by Vos. Discussion: Johnson thought this resolution was a very good idea and commended those involved in putting it together.

Bob Prailes questioned why this wasn't discussed in an open meeting rather than closed session. Lahner explained that it was discussed in closed session because it dealt with compensation and personnel. Prailes preferred to have it discussed in open session which would have enabled the public to provide feedback to the council. Lahner stated that for future reference it could be considered.

Rauch then asked for a further explanation of the grading system. Lahner explained that if you are at Grade Four, you would stay at that grade forever unless you were promoted; but also to be taken into consideration is the market study which is done to be sure the city stays competitive.

Simenson questioned the cost of future market studies. Lahner replied that it would be done internally but you had to be sure the right comparables are being done as titles and workloads are not always the same. Simenson stated that her concern had always been that the city had a negative budget and had to raise taxes but we still have a negative budget and in that climate we still raised salaries. She said that there were aggressive increases for certain individuals up to four per cent and she was not comfortable with that. Lahner felt that it was more of a semantics issue and did not agree that the city has a negative budget as the fund balance was purposely spent down to cover expenses. Simenson further questioned where the money would come from if not from savings-it would have to come from raising taxes or decreasing something else in the budget. Lahner replied that this is what was proposed and adopted to bring the reserves down but the city is still within the targeted twenty-five per cent range.

Rauch referred to the library staff in regard to this ordinance and with some of the job descriptions there is no upward movement. He questioned if a new job title could be created. Lahner said that along with the new title there would have to be added responsibilities but, it could be done.

Fischer asked if the list of those individuals that was provided that evening was also part of the non-represented wage resolution. Lahner explained that only management individuals are part of the resolution.

Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer Nays: Simenson. Motion carried 7-1

F. RESOLUTION 4447(31) “A RESOLUTION TO APPROVE A SALE AND REDEVELOPMENT AGREEMENT WITH CRAIG FAUST FOR 824 MILWAUKEE AVENUE.

Mayor Miller announced that there would be no second reading or motion to adopt this resolution. The agreement had been referred to the city attorney and on his recommendation there were changes made. This document was then sent back to the potential buyer and there has been no response at this time from either the buyer or his attorney.

Simenson did not like the idea that the item remained as an agenda item without any documents being provided and hoped in the future that would not happen again. Lahner replied that due to the holidays the paperwork got delayed but yet, it was placed on the agenda for discussion.

Rauch questioned if the Chocolate Fest Grounds were still being considered in the deal. Atty. Bjelajac stated that it still was in the document.

Bob Prailes questioned if the Park Board would be part of the decision at that time. The mayor stated that it was a side contract that Chocolate Fest had with Mr. Craig Faust. If Chocolate Fest were dissolved, the land would revert back to Faust.

Rauch asked if the council members would be provided with these additional contracts. The mayor replied that this is not part of the city's contract but it is another agreement between Faust and Chocolate Fest.

Atty. Bjelajac addressed the council and explained that the he had made significant revisions to the original draft and the final version will protect the city. As far as Lot Three (ChocolateFest Grounds) is concerned there are contingencies that will restrict the future use of that land if ChocolateFest ceases to exist.

Bob Prailes suggested that the city retain Lot 3 and questioned why it needed to change hands as he was concerned with the baseball field access. Lahner assured him that Lot 3 does not affect the baseball fields.

Bob Prailes questioned why the city just doesn't donate it to Chocolate Fest. Atty. Bjelajac suggested that Faust may want to make it a charitable donation. Bob Prailes then questioned why the city is giving six per-cent commissions to a realtor when it was never marketed. Mayor Miller explained that it was part of the original document when it came to the city.

Simenson asked if the city could accept other offers from other realtors at this time. Atty. Bjelajac replied that there is another offer from a prospective buyer and this document will be provided at a later date along with the updated draft from Craig Faust. Simenson added that as a policy decision to not put it on the market to begin with to solicit to all kinds of people, did that gyp the city out of opportunities. She asked if the new offer happened because someone read about it in the paper. Lahner said that it was a possibility as the interest in this property has been surprising.

At this time, Mayor Miller stated that there had been no policy decision not to market the property; and there was no discussion to keep it "under the table". This was a rumor that had circulated and it had never happened. The mayor never envisioned anyone coming forward that knowingly wants to buy a city dump. He had thought the city would have to remove the buildings, asphalt over the area and consider it a parking lot for ChocolateFest. A second offer had come in on Monday and if someone else would be interested, the mayor would consider the proposal. The mayor further stated that at no time had Lahner, he or anyone else from the city ever entertained the idea that the city has one offer and that is all that will be accepted-that was untrue and unfounded.

Vos had spoken with Mr. Paul Mueller who had placed the second offer and he reassured Mueller that under no circumstances was there any side deal or was it a done deal that the city would not consider another offer. He assured Mueller that the best interest of the city would be taken into consideration.

Fischer commented that as part of the construction of the new Department of Public Work's Building it was public record that the old building was going to be disposed of and this was not a community secret. One thing that Fischer wanted to be clear on was the reason for selling Lot 3. It was in the best interest of the city if we want to accept this current proposal. The city has an appraisal on this building and we have a sense of what it is worth. In his opinion, disposing of the building sooner than later would be desirable. He thought the six per cent commission would have to be evaluated in regard to the net amount the city would receive.

The letter of intent the Mayor had recently received had indicated that they also would be buying the same acreage and with the intent to donate land to ChocolateFest. The mayor stated that he had mixed emotions on the ChocolateFest property and reminded council members that there had been years when the payment was not made and it could happen again in the future.

Vos then questioned if the property could be divided and sold off to different buyers. The mayor said if the offer comes in the city would have to take a look at it.

14. ORDINANCES

A. ORDINANCE 1917(20) “AN ORDINANCE TO ANNEX TERRITORY LOCATED AT 34701 CHESTNUT STREET TO THE CITY OF BURLINGTON.

A motion to approve was made by Fischer with a second by Vos. Roll Call Ayes: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer Nays: Simenson Motion carried 7-1

15. MOTIONS

None.

16. ADJOURNMENT

A motion was made by Fischer with a second by Jim Prailes to adjourn the meeting. With all in favor, the meeting adjourned at 8:15 p.m.

Beverly R. Gill
City Clerk
City of Burlington
Racine and Walworth Counties